

December 21, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and
Scott Siegel

Application No.: 09/897,724

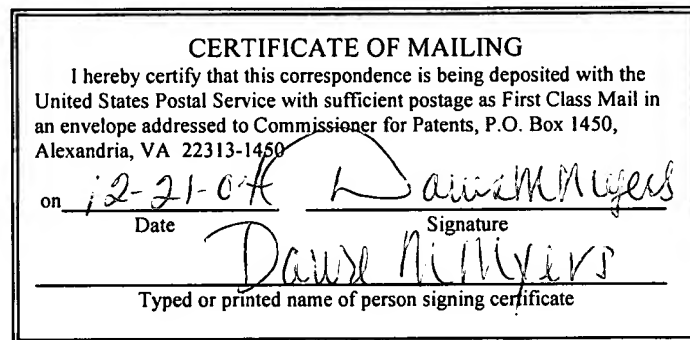
Group Art Unit: 1642

Filed: July 2, 2001

Examiner: Karen A. Canella

Confirmation No.: 1132

Title: METHODS OF TREATING BLOOD PATHOLOGY WITH CHIMERIC ANTI-TNF ANTIBODIES (AS AMENDED)



SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental Information Disclosure Statement is submitted under 37 CFR 1.97(c) together with a \$180.00 fee under 37 CRF 1.17(p).

INFORMATION FROM RELATED LITIGATION

The Rockefeller University and Chiron Corporation have filed a complaint in The United States District Court For The Eastern District of Texas, Marshall Division, Civil Action No. 2-04CV-16, against Centocor, Inc., an assignee of this application, for infringement of U.S. Patent Nos: 6,309,640 and 6,419,927. The accused infringement relates to Centocor, Inc.'s product, REMICADE® infliximab. REMICADE® infliximab is also known as cA2, which is recited in the claims and specification in this application. The validity of this patent application is not at issue in the litigation. Nor is the validity of any related patents or patent applications at issue in this litigation.

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Enclosed herewith is Form PTO-1449, citing U.S. Patent Nos: 6,309,640 and 6,419,927 and their related European application. Copies of these cited references (AI2, AJ2 and AN7, respectively) are enclosed.

Applicants do not believe that this information is relevant or material to patentability. Applicants merely cite this information in an abundance of caution. Further, Applicants believe that this information is cumulative to References AA and AB, which were cited in the Information Disclosure Statement filed in this application on September 13, 2002. Reference AI2 is a continuation application of Reference AJ2, which is, in turn, a continuation application of References AA and AB and thus have substantially identical disclosures and have the same priority date. In addition, Reference AN7 claims priority to the same priority applications as References AA and AB and has a substantially identical disclosure.

Applicants request that the information disclosed herein be made of record in this application. Applicants respectfully request that the Examiner return a copy of this Supplemental Information Disclosure Statement and acknowledge the information from the related litigation.

Examiner

Date

Method of payment:

☒ [X] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☒ [X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: December 21, 2004

December 21, 2004.

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NO.

NAME OF PATENTEE OR APPLICANT
OF CITED DOCUMENT

AI2

6,309,640 B1

10- 30- 2001

Cerami et al.

AJ2

6,419,927 B1

07-16-2002

Cerami *et al.*

EXAMINER

DATE CONSIDERED

APPLICATION NO.
09/897,724

**SUPPLEMENTAL INFORMATION DISCLOSURE
CITATION
IN AN APPLICATION**

December 21, 2004

(Use several sheets if necessary)

FIRST NAMED INVENTOR
Junming Le

FILING DATE
July 2, 2001

EXAMINER
Karen A. Canella

CONFIRMATION NO.
1132

GROUP
1642

FOREIGN PATENT DOCUMENTS

[illegible]

EXAMINER

DATE CONSIDERED